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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,023	02/18/2005	Gabriel Roussie	265829US6XPCT	3136
22850 7590 09/22/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HONG, JOHN C	
			ART UNIT	PAPER NUMBER
			3726	
			NOTIFICATION DATE	DELIVERY MODE
			09/22/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/525,023	Applicant(s) ROUSSIE, GABRIEL	
	Examiner JOHN C. HONG	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-40 is/are allowed.
- 6) ☒ Claim(s) 41-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/19/08 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 47 and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. A kit in claims 47 and 48 is not described in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 41, 42 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Carstensen (U.S. Patent 4878285).

Carstensen discloses : Regarding Claim(s) 41, a tubular threaded joint (10) comprising: a male tubular element (30) having a conical male thread (32); a female tubular element (12) having a conical female thread (14) that interacts by screwing with the male thread (3); and a deformable sealing ring (26) interposed between the male and female elements so as to oppose communication of fluid between the outside of the tubular joint and the zone of interaction of the

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threads, the sealing ring being in sealed contact with the male thread, and the female element having an annular housing (24) to receive the sealing ring, disposed axially between its free end and the female thread and limited axially by a first shoulder (Fig. 2) facing the free end, the sealing ring bearing axially against the first shoulder and being in sealed contact with the peripheral surface of the housing (Fig. 2; Col. 7, line 15 - Col. 8, line 10), Regarding Claim(s) 42, the housing includes a second shoulder axially facing the first shoulder and with a minimal diameter greater than that of the first shoulder, a portion of a volume of the sealing ring being compressed axially between the first and second shoulders (Fig. 2) ; Regarding Claim(s) 45, the housing emerges at the free end of the female element in a flare (Fig. 2).

“[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product **does not depend on** its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). MPEP 2113.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 43,44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carstesen (U.S. Patent 4988127) in view of Graham (U.S. Patent 2380690).

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Regarding Claim(s) 43, Carstensen teach the limitation except the first shoulder is respectively perpendicular to the axis of the threads.

Graham teaches the first shoulder is perpendicular to the axis of the threads (Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the first shoulder of Carstensen perpendicular to the axis of the threads, as taught by Graham so as to compress the sealing ring tightly.

7. Claims 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carstensen (U.S. Patent 4988127) in view of Woodling (U.S. Patent 2960353).

Carstensen teach the limitation except the housing has a diameter constantly increasing toward the free end of the female element, its peripheral wall being inclined relative to an axis of the threads at the end opposite the free end to form a shoulder configured to push the sealing ring when the threaded elements are screwed together, and its angle then decreasing progressively and the flare and the first shoulder are connected together by a cylindrical surface.

Woodling teaches the housing has a diameter constantly increasing toward the free end of the female element, its peripheral wall being inclined relative to an axis of the threads at the end opposite the free end to form a shoulder configured to push the sealing ring when the threaded elements are screwed together, and its angle then decreasing progressively and the flare and the first shoulder are connected together by a cylindrical surface (Figs 18 and 19).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the shape of housing of Carstensen to the shape, as taught by Woodling so as to compress the sealing ring tightly.

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Allowable Subject Matter

8. Claims 23-40 are allowed.

Response to Arguments

9. Applicant's arguments with respect to claims 41-46 have been considered but are moot in view of the new ground(s) of rejection. See the new office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN C. HONG whose telephone number is 571-272-4529. The examiner can normally be reached on M-F 9:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID BRYANT can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN C HONG/
Primary Examiner, Art Unit 3726

Jh
9/13/08

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